

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JOHN SCHULER,

Plaintiff

v.

CIVIL ACTION NO. 2:05-0667

SLAY TRANSPORTATION CO., INC.,
and WILLIAM LAY, and GALLAGHER
BASSETT SERVICES, INC.,

Defendants

MEMORANDUM ORDER

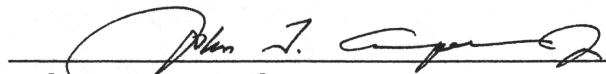
This matter is before the court on the motion of defendants Slay Transportation Co., Inc. and Gallagher Bassett Services, Inc., filed August 22, 2005, to stay and bifurcate. Defendants ask the court to bifurcate Count II of plaintiff's complaint, which addresses alleged violations of the West Virginia Unfair Trade Practices Act, and stay all proceedings related thereto.

By order dated December 6, 2005, the court granted the request of plaintiff, who noted the approval of defense counsel, to dismiss with prejudice Count II of the complaint.

It appearing that the motion of August 22, 2005, is moot based on the subsequent voluntary dismissal order, it is accordingly ORDERED that defendants' motion to stay and bifurcate be, and it hereby is, dismissed from the docket of the court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

DATED: January 4, 2006

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge